

1 MELINDA HAAG (CABN 132612)
United States Attorney

2 J. DOUGLAS WILSON (DCBN 412811)
3 Chief, Criminal Division

4 NATALIE LEE (CABN 277362)
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102-3495
7 Telephone: (415) 436-7200
8 FAX: (415) 436-7234
Natalie.Lee2@usdoj.gov

9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,)	No. CR 13-0554 JST
14)	
15 Plaintiff,)	STIPULATION AND PROPOSED ORDER
16 v.)	EXCLUDING TIME UNDER 18 U.S.C. § 3161
17 GUILLERMO ESPARZA,)	Date: Dec. 20, 2013
18 Defendant.)	Time: 9:30 a.m.
)	
)	

19
20 The above-captioned matter is set on December 20, 2013 at 9:30 a.m. before this Court for a
21 status hearing. The parties had hoped that by December 20, 2013 the results of a cell phone download
22 search and the drug test results from the Drug Enforcement Agency's crime lab would be completed.
23 The cell phone download has been completed and will be produced to the defense this week. The DEA
24 drug test results, however, have not yet been completed. Additionally, defense counsel will be out of the
25 office from December 30, 2013 to January 27, 2014. The parties are also presently in discussions
26 regarding resolution of this case and need additional time. Lastly, the government has just recently been
27 specially set for an evidentiary hearing on December 20, 2013 at 10:00 a.m. in San Francisco which
28 conflicts with the parties' next status in this case. Therefore, for all these reasons, the parties request
STIP TO CONTINUE
CR 13-0554 JST

1 that this Court continue the status hearing to February 14, 2014 so that the parties will have additional
2 time to try to resolve the case and continue negotiations. On that date, it is anticipated that change of
3 plea, motions, or trial will be set.

4 The Court has previously excluded the running of the speedy trial clock for effective preparation
5 of counsel, 18 U.S.C. 3161(h)(7)(B)(iv), through December 20, 2013. Therefore, the parties now
6 request that the time between December 20, 2013 and February 14, 2014 be excluded from the running
7 of the speedy trial clock for effective preparation of counsel, as well as to provide Mr. Esparza
8 continuity of counsel, 18 U.S.C. 3161(h)(7)(B)(iv). The parties agree that, taking into account the
9 public interest in prompt disposition of criminal cases, good cause exists for this extension due to the
10 pending drug test results and the on-going discussions regarding resolution. The parties also agree that
11 the ends of justice served by granting such a continuance outweigh the best interests of the public and
12 the defendants in a speedy trial. 18 U.S.C. 3161(h)(7)(A).

13 SO STIPULATED:

14 MELINDA HAAG
15 United States Attorney

16 DATED: December 5, 2013

17 /S/
NATALIE LEE
Assistant United States Attorney


18
19 DATED: December 5, 2013

20 /S/
ELLEN LEONIDA
Attorney for Guillermo Esparza

1 For the reasons stated above, this matter is continued until February 14, 2014, for a status
2 hearing to set change of plea, motions, or trial. The Court finds that the exclusion of time from
3 December 20, 2013 through February 14, 2014 is warranted and that the ends of justice served by the
4 continuance outweigh the best interests of the public and the defendants in a speedy trial. 18 U.S.C.
5 3161 (h)(7)(A). The failure to grant the requested continuance would deny the defendant effective
6 preparation of counsel and continuity of counsel. 18 U.S.C. 3161(h)(7)(B)(iv).

7 **IT IS SO ORDERED.**

8 DATED: December 8, 2013

9 
HONORABLE JON S. TIGAR
United States District Judge